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Comments by the Federation of International Civil Servants' Associations

Note by the Secretary-General

The Secretary-General transmits herewith for consideration by the Fifth Committee a document submitted by the Federation of International Civil Servants' Associations (FICSA) (see annex). The document has been submitted pursuant to the provisions of paragraph 2 (b) of General Assembly resolution 35/213 of 17 December 1980, whereby the Assembly reiterated its readiness to receive and consider fully the view of the staff as set out by a designated representative of FICSA in a document submitted through the Secretary-General.

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ANNEX

Comments by the Federation of International Civil Servants' Associations

Introduction

1. The Federation of International Civil Servants' Associations (FICSA) welcomes the atmosphere of reform at the United Nations. It provides Member States with an important and unique opportunity to look anew at the structures and systems that influence the way in which international civil servants carry out the mandate of their organizations. It is the firm belief of FICSA that full advantage must be taken of this time of renewal and dialogue to ensure that decisions made by the General Assembly today lead the international community in the best direction for some time to come. Those decisions must empower the staff to do their best work. FICSA fervently believes in the need for an independent international civil service and supports the efforts of the Secretary-General to ensure the effectiveness, efficiency, economy and ethics of the United Nations. As the Member States consider issues affecting staff and conditions of service, FICSA would like to take this opportunity to outline its concerns.

Consultative process

2. First and foremost among the concerns of staff is the continuing uphill struggle to secure a more effective consultative process on the crucially important issue of conditions of service and terms of employment. In March 1997 FICSA was invited to a meeting convened by the Chairman of the Fifth Committee, at which it had hoped to gain a sympathetic hearing on the feasibility of introducing a negotiating structure similar to those propounded in the International Labour Organization (ILO) conventions on the right to organize and collective bargaining. FICSA felt that what was granted without dispute in most democracies at the national level could also be granted at the supranational level to the United Nations, thus assuring appropriate negotiations between employers and employed. Despite the right enshrined in the Declaration of Human Rights to form and join trade unions for the protection of everyone's interests, the United Nations still fails to grant its staff the right of collective bargaining. This attitude prevailed at the meeting in March which did not enter into a discussion in any real sense of the term. Staff bodies delivered their presentations, whereafter they were urged to return unconditionally to the International Civil Service Commission (ICSC). The meeting as a whole merely confirmed anew the reasons for which the staff maintain their boycott of the Commission.

3. Some changes within the common system have, however, become apparent. First, General Assembly resolution 51/226 of 3 April 1997 on human resources management placed great emphasis on strengthening the staff/management dialogue. Second, members of the World Trade Organization have called for the establishment of trade unions as a basic condition for equitable world trade agreements. And third, at the invitation of both the former and current

Chairmen of the Consultative Committee on Administrative Questions (CCAQ), the President and General Secretary of FICSA took part in informal discussions in Paris in April on the establishment of a working group to review the operations and procedures of ICSC, more specifically the consultative process and the related working arrangements. Regrettably and contrary to the impression given in the ICSC report for 1997,[a] organizational shortcomings on the part of the ICSC secretariat hampered the establishment of the working group on the consultative process that emerged from those discussions (see appendix I). This delay which precludes any action being taken at the current session of the General Assembly is all the more regrettable as the basic aim of the working group is to identify the areas of discontent of the participating parties, review and make recommendations to address the concerns and possible measures to be taken to rectify the situation.

4. FICSA has long been firmly convinced that at a time when all organizations are taking steps to ensure the quality of their resource management and improve performance in the fulfilment of their mandates, the Commission as a body set up to regulate and coordinate the conditions of service of the United Nations common system cannot exclude itself from that process. FICSA has always maintained that it is essential to assess whether the Commission has in fact achieved its mandate as a technical, independent and impartial body. It is thus encouraging to note that those views are shared by the Secretary-General, who stresses in his reform proposals that the re-examination of the composition, mandate and functioning of the Commission will contribute to the success of the reform measures being undertaken by the organizations of the common system (A/51/950, para. 232). It is a re-examination that brooks no delay.

5. Given the crucial importance of that re-examination and without prejudice to its policy of non-cooperation with ICSC, which the FICSA Council reconfirmed at its fiftieth session, the Federation will participate in the working group in the full spirit of reform. FICSA representatives are currently preparing themselves for the first session of the working group, which they see as a forum for the presentation of proposals for a thorough overhaul of the statute and functioning of the Commission, ultimately leading to a tripartite negotiation body. Given the magnitude of the task at hand, FICSA sees the first meeting set for mid-January 1998 being followed by a meeting or meetings at a later date. It is to be hoped that these endeavours will be crowned with success.

Code of conduct

6. It is incumbent upon the United Nations to set an example to others. This holds particularly true for its role as a model employer: an image that has certainly been blemished by certain provisions in the proposed code of conduct (see A/52/488) which undermine the very basis of the international civil service. FICSA has strong reservations on those new provisions which, in addition to running counter in certain instances to the spirit of good staff/management relations, were drafted without the involvement of the specialized agencies on whom they will ultimately devolve.

7. The Federation's reservations stem not only from the complete disregard for the opinions of other agencies and organizations on matters of common interest.

It also stems from the basic tenor of the code. It is not an integrity-based set of rules outlining values to which staff are expected, or even assumed, to subscribe. It is a compliance-based book of directives that converts those values deemed necessary to the effective functioning of the organization into staff rules and regulations with which the staff member must comply or risk disciplinary action. Several articles in the code are injurious to staff rights. These articles attempt to reduce staff rights to demonstrate, fight for improved conditions of service and issue statements to the media, as well as their right to speak with representatives of permanent missions. Moreover, the code is worded in such a way as to imply that international civil servants and their families are potentially capable of wrongdoing. The very fact that the new code spells out only singularly few staff rights merely serves to strengthen this impression. How else is one to understand the provision on financial disclosures that will be binding on all Assistant Secretaries-General and other prescribed staff as well as their spouses and children. In addition to reeking of victimization and breach of privacy, the broad sweep of the provision aims in essence at holding dependants responsible and accountable for the actions of their partners or parents. It is all very reminiscent of Sippenhaftung, or guilt by association.

8. A series of commentaries has been prepared on the individual provisions which it is stated are not intended to affect the rights of staff associations/unions as they carry out their mandate. However, it is very hard to see how a staff association or union restricted to peaceful assembly or meetings in authorized rooms and not allowed to demonstrate in the traditional mode will not be affected.

9. FICSA sincerely doubts whether there was a need to revise the Report on Standards of Conduct in the International Civil Service drawn up by the International Civil Service Advisory Board in 1954 (see A/52/488, annex III). If, however, there were such a need, the revision should have been undertaken by ILO so as to guard against infringement of internationally recognized standards and principles. FICSA thus insists that the Code of Conduct be reviewed by ILO before its adoption.

Reform proposals

10. FICSA has reviewed the reform proposals of the Secretary-General with keen interest. In addition to the aspects that reflect the Federation's concern with ensuring the rights for international civil servants in accordance with international labour conventions and revising the code of conduct, FICSA seeks full and equal participation in processes that affect staff. It is also very conscious of the need to enhance security measures and improve conditions of service. FICSA welcomes the focus on image building, the introduction of innovations into the decision-making process and the emphasis lent to strengthening the principles of accountability and responsibility, as well as to the effective management of human resources.

11. Particularly important are the Secretary-General's proposals for strengthening the staff of the United Nations and the strategies he has put forward. These range from proposals for streamlining the central

administration, simplifying human resource management and procurement processes and strengthening existing common services. They also include training for staff assuming new tasks, although FICSA would urge continuous training as a desirable feature in any learning organization. But while recognizing the need to meet the need for the three E's - economies, efficiencies and effectiveness - it is equally important to recognize the fourth E - ethics - and to ensure that staff are treated in a manner befitting a modern organization. In this regard, FICSA draws attention to the increasing number of instances of staff, particularly staff representatives, being harassed. In the ultimate analysis, repression and reprisals are hardly compatible with a genuine sense of ethics.

12. Staff can contribute significantly to improving the much-maligned economies, efficiencies and effectiveness of the common system. As the universally recognized invaluable asset of the Organization who work unremittingly each day for the cause of the United Nations, they are eminently qualified to offer advice on bettering things. FICSA thus regrets that the Federation was not invited to join the working group that the Secretary-General established to put forward proposals on reforming the common system.

13. FICSA is keenly aware of the fact that for many, reform is synonymous with reduction. In a world that is forever demanding more of the United Nations, it makes little sense to reduce the critical mass of the member organizations and agencies. Shock therapy and a sudden reduction in food intake is hardly the best way to keep an active body alive. Furthermore, by constantly threatening to reduce staff, certain reform proposals are hardly motivating for those doing their very utmost to provide the services requested of them. It is also hardly characteristic of a good employer and sets a bad example for others.

Field security

14. Principles of good employment are particularly important where field staff are concerned. The recent upsurge in national and regional conflicts and the change in the nature of those conflicts have placed field staff at great risk. Security measures more appropriate to current conditions need to be introduced and extended to all field staff, international and local alike, under threat. Currently, all United Nations staff working in the field do not enjoy the same degree of protection; the Security Handbook makes a very clear distinction between internationally recruited staff and locally recruited staff. This discrimination raises serious human and moral concerns. It is imperative that the United Nations no longer creates the impression of an organization that applies double standards to the security of its staff and of a body more concerned with protecting the lives of one category of its staff.

15. Recognition of the need for such security measures stems from the difficulties experienced during the conflict in Rwanda as well as from the ever increasing death toll among United Nations staff in other national and regional conflicts. It may appear tasteless to call upon the dead to bear witness to the growing dangers inherent in certain field operations. It is equally distasteful, however, to fail to take all measures to prevent the reoccurrence of such sad events. At the most recent meeting of the Administrative Committee

on Coordination, FICSA submitted a paper on the security of field staff (see appendix II) which itemized its proposals on this crucially important matter.

General Service

16. In a year that FICSA has formally declared the Year of General Service Staff, it is ironic that staff continue to face intransigence on the issue of General Service salary surveys. Once again the Commission has decided on revised salary survey methodologies; these will be implemented as of 1 January 1998. The previous revision in 1992 resulted in salary freezes in all duty stations but one (New York). This revision will reduce General Service salaries still further and extend the freeze well into the next millennium. Indeed, the changes recommended convince FICSA that ICSC does not share the Secretary-General's commitment to upholding the Flemming principle: the principle that provides that conditions of service of locally recruited staff should be based on the best prevailing local conditions, without being the absolute best, and so able to attract and retain staff of the highest calibre.

17. Proper, unbiased and unflawed application of the Flemming principle would be a sound means of ensuring the maintenance of a dynamic and highly motivated core of qualified and dedicated General Service staff. In the opinion of FICSA, repeatedly and arbitrarily modified salary survey methodologies that are demonstrably and increasingly detrimental to staff interests and well-being run counter to the most recent reform proposals of the Secretary General. In those proposals the Secretary-General urged that the staff of the United Nations be fairly compensated and their conditions of service determined in an objective manner. He also upheld the provisions of Article 101 of the Charter of the United Nations which states in paragraph 3 "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity".

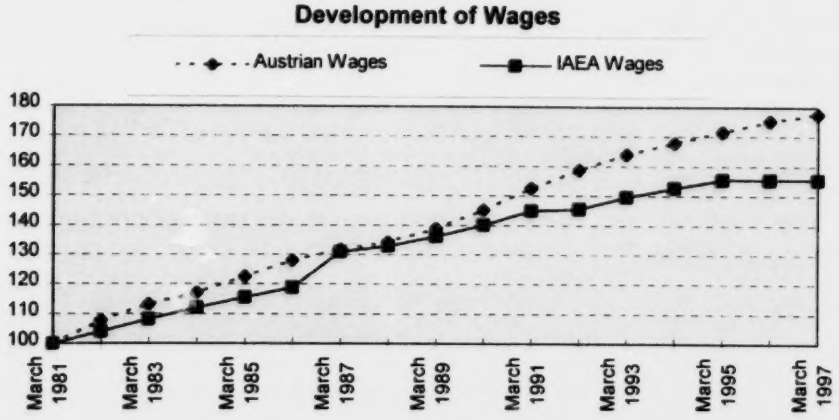
18. It is not as though the outcome of the latest revised methodologies is an unknown factor. The methodologies were recently tested in Jakarta and yielded negative results of the order of 6 to 18 per cent compared with present methodologies. Interpreting "best prevailing" to mean "best" and "prevailing" and insisting that salaries of national civil services account for at least 25 per cent in each survey will mean that bias has been introduced from the very outset. Equally disconcerting is the provision that at least 75 per cent of the staff (as opposed to the earlier figure of 50 per cent) utilize a benefit before it can be included in the quantification of fringe benefits. Further complications arise with the failure to consider other elements in the complete package of conditions of service, such as pension benefits and security of appointment. Flawed interpretations and manipulations are inevitable, particularly if one ignores the fact that the United Nations common system applies the principle of "rank in post" as distinct from the principle of "rank in person" applied in most national civil services, thus rendering most comparisons meaningless. FICSA is firmly convinced that the basic aim behind these revisions is primarily to achieve further unjustifiable salary cuts at all costs and by all possible means. FICSA would also emphasize that the problem of competitiveness is particularly acute in field duty stations where United

Nations organizations must compete with the World bank and bilateral funding agencies that offer higher salaries to local staff.

19. FICSA would point out that successive reviews of the salary survey methodologies have eroded the Flemming principle beyond all measure. The result is the organizations' loss of competitiveness. In Vienna, for example, the Austrian wage index increased by some 22 percentage points or 44 per cent in real terms over General Service salaries for the same period (see figure below). Clearly, it is only a matter of time before less qualified and lower paid staff are being recruited in total violation and disregard of Article 101. FICSA cannot accept such a daunting prospect and therefore requests that implementation of the revised salary survey methodologies be deferred.

20. Given the magnitude of the reductions brought about by the methodological revisions, staff have no choice but to protect their rights. They have already entered into the wearisome and costly process of lodging appeals, which as we all know is equally time-consuming and costly for other parties, none of whom were involved in the original computations and elaboration of the methodologies applied.

21. The Commission also decided on the main criteria for the determination of pensionability or non-pensionability of certain benefits granted by comparator firms and on a threshold and a ceiling respectively. On the basis of recommendations made by the joint ICSC/United Nations Joint Staff Pension Board Working Group on the review of the methodology for the determination of the non-pensionable component, ICSC decided to reduce the non-pensionable component ceiling from 25 to 20 per cent of net salary and to establish a uniform threshold of 10 per cent for both headquarters and non-headquarters duty stations (currently 5 per cent at non-headquarters duty stations) FICSA is fundamentally opposed to the concept of a non-pensionable component of remuneration which is also diametrically opposed to provisions in national legislation in a number of member States. FICSA has always maintained that total remuneration, both in cash and in kind, must be pensionable in order to meet one of the universally accepted criteria on which most pension schemes are based, i.e. that any comprehensive retirement scheme should provide beneficiaries with living conditions not too markedly different from those they enjoyed when in active service.



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Professional salaries

22. The current situation with respect to Professional salaries also appears to be suffering from gridlock, thus depriving the organizations of the competitive remuneration package they need to recruit the best possible staff as called for by the Charter. On the one hand, both ICSC and Member States repeatedly reaffirm the validity of the Noblemaire principle, which provides that Professional salaries should be based on the best paid civil service. On the other hand, neither ICSC nor Member States appear prepared to replace the current comparator, the United Service federal civil service, by the German civil service, whose remuneration package as determined by ICSC is superior to that of the United States. The complexity of the issue, however, is compounded by strong reservations of the German Government's representatives on their civil service being identified as the best paid. In the attempt to demonstrate that United Nations salaries are excessive in comparison to German civil service salaries, recourse has been taken to using inconsistent United Nations/German civil service job matches. Furthermore, the United States has failed to honour fully the annual salary adjustments due since 1994 under the Federal Employees' Pay Comparability Act (FEPCA) of 1990, the purpose of which was to close the salary gap between the private sector and the civil service by the year 2002 and so increase the competitiveness of United States federal civil service salaries. Full compliance with FEPCA would yield civil service salary levels some 6.4 per cent higher than at present.

23. As is well known, Professional salaries are supposed to be kept at the mid-point (115) of a margin range of 110 to 120, i.e., 10 to 20 per cent above United States civil service salaries paid in Washington, D.C., adjusted for cost-of-living differentials between Washington and New York to reflect the higher costs of expatriates.

24. For 1997 ICSC has reported a margin of 115.7 for the year 1997. Had the comparison been based on equivalent grades using the equal weighting method, a procedure that is technically correct, the result would have been a margin of 111.2. Furthermore, a similar comparison of total compensation of German officials in Bonn and United States officials in Washington, D.C., would have yielded a margin of 110.9.

25. Given the ICSC decision to dismiss the Noblemaire principle and hence not recommend an upward adjustment, FICSA welcomes and supports the CCAQ proposal that the margin range be revised upwards from 110-120 to 120-130 without involving the cumbersome task of changing comparators at this particular juncture. That notwithstanding, FICSA is firmly convinced of the need to change comparators at the earliest possible opportunity so as to meet the basic requirement of the Noblemaire principle.

26. A further puzzling factor is that whereas certain Member States have no objection to granting adequate and competitive salaries (some 30 to 50 per cent higher) to international civil servants employed, for example, by the World Bank, the International Monetary Fund, the Organisation for Economic Cooperation and Development, the North Atlantic Treaty Organization and the European Atomic Energy Agency, they are not prepared to do the same for staff in the United Nations system organizations. FICSA is disconcerted at the double standards

being applied in this crucially important instance. The increase of 0.4 per cent agreed to by the General Assembly at its fifty-first session (after rejecting earlier proposals of 9.2 and 4.1 per cent) is hardly an order of increase to satisfy serving staff, let alone attract new staff of the required calibre.

Geneva post adjustment

27. FICSA notes the conclusion in the 1997 ICSC report that "It was not possible to implement the single post adjustment for Geneva by 1 January 1998, as requested by the Assembly in its resolution 51/216".[b] FICSA objects strongly to price collection in Geneva and in neighbouring areas of France for the purposes of determining the post adjustment in Geneva. FICSA agrees with the representative of ILO, who observed that "the legal flaws associated with a single post adjustment index were of much more significance than was recognized by the United Nations Legal Counsel".[c] FICSA supports maintenance of the status quo, in full agreement with the administrations of Geneva-based organizations. Staff in Geneva would undoubtedly take very strong industrial and legal action should the General assembly approve a single post adjustment index for Geneva based on prices collected in two countries or two separate post adjustment indices, i.e., one based on Geneva data and the other based on data collected in the border areas of France.

Factors contributing to the erosion of the international civil service

28. Erosion of the international civil service has been furthered in two distinct ways: the practice of loaning staff to the common system; and the recommendation to all organizations to offer appointments of limited duration.

29. The first practice runs counter to the basic precepts of Article 101 of the Charter. Impartiality and allegiance to the system are the hallmarks of the United Nations. These important values will not be upheld by introducing a growing complement of loaned staff whose primary commitment will ineluctably remain with those who loaned them - their own Governments to whose service they will ultimately return.

30. The second practice contravenes the principles of an international civil service. Despite the endorsement given by ICSC to the principles and guidelines for their use, appointments of limited duration schemes dilute social security provisions, particularly pension entitlements, as well as leave provisions. The net outcome is a caste system of privileged and underprivileged staff. Despite the call to observe the requirements of the Charter pertaining to the recruitment of staff, appointments of limited duration schemes violate article 23 (2) of the Universal Declaration of Human Rights which stipulates: "Everyone, without any discrimination, has the right to equal pay for equal work". FICSA is firmly convinced of the need to limit appointments of limited duration to very specific tasks such as short-term missions; they should not be used for any type of ongoing work or regular staff activities.

Conclusion

31. FICSA trusts that its views will be heeded by the Fifth Committee in a spirit of mutual endeavour as staff, administrations and Member States move towards a common vision of the future in which all can share. They have been submitted as a contribution to the overall aim of enabling the Organization to act with greater unity of purpose, coherence of efforts and agility in responding to the many challenges it faces.

Notes

[a] Official Records of the General Assembly, Fifty-second Session, Supplement No. 30 (A/52/30).

[b] Ibid., para. 100 (c) (viii).

[c] Ibid., para. 78.

APPENDIX I

Letter dated 22 September 1997 from the President of the Federation of International Civil Servants' Associations addressed to the Chairman of the Fifth Committee of the General Assembly at its fifty-second session

The Federation of International Civil Servants' Associations (FICSA) would like to congratulate you on your election as Chairman of the Fifth Committee of the United Nations General Assembly. Your many years of experience working in a variety of capacities with the United Nations system has undoubtedly made you aware of some of the concerns of international civil servants. The Fifth Committee has the demanding responsibility of ensuring that conditions of service within the common system enable administrations to recruit and retain staff of the highest professional and moral calibre at every level. FICSA hopes that, under your stewardship, the Fifth Committee's deliberations on the common system will be fruitful and yield recommendations that strengthen the United Nations system by respecting Article 101, paragraph 3, of the Charter of the United Nations, which states: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity".

The Fifth Committee will be faced with many challenges this year. One of the challenges that is of particular concern to FICSA, and all common system staff, is the way in which conditions of service are determined at the inter-agency level. FICSA welcomes the recent initiatives taken by the General Assembly to encourage a review of the consultative process of the International Civil Service Commission (ICSC), and the Secretary-General's request to the Member States in his proposals for United Nations reform that they "review the International Civil Service Commission to strengthen it as a truly independent group of technical experts on salaries, allowances, compensation and conditions of service, with representation from all regions" (A/51/950, para. 276). In the same document, he recommended that the General Assembly "initiate a review of the International Civil Service Commission, including its mandate, membership and functioning in order to increase its effectiveness in meeting the challenges facing the United Nations system" (A/51/950, action 20, recommendation).

In this context, FICSA wishes to express its profound disappointment about the terms in which the "progress" on the consultative process has been described in this year's annual report of ICSC to the General Assembly (A/52/30, paras. 28-40).

Regrettably, in the main text, the reasons for the Federation's non-participation in the scheduled working group on the consultative process have been omitted. This is all the more regrettable as the reasons advanced by the Federation were sound and substantial, based as they were on evidence of the ICSC secretariat having made inadequate preparations for the working group.

I thus wish to draw the attention of the Fifth Committee to the reasons governing the Federation's decision not to participate in the working group.

These can briefly be described in two words: poor organization. In more specific terms, however, non-participation was governed by two major factors: modalities and timing.

As to modalities, it had been agreed by all parties that the working group would be assisted in its deliberations by a facilitator from outside the system. This had been part of the terms of reference approved by the Commission at its spring session in Paris. When, however, during the informal consultations FICSA was confronted with the announcement that the Commissioners themselves would participate in a group that had been set up expressly to review their work, the Federation made it abundantly clear that the provision of a facilitator was the main and most important requirement of the working group. An impartial facilitator was of paramount importance if the working group were to be guaranteed a minimum degree of independence.

As regards timing, FICSA received the invitation to participate in the working group in May 1977. However, that letter of invitation omitted to provide any supplementary information on the facilitator: a crucial input into the Federation's decision-making process! You will appreciate that FICSA could not make a binding decision on participation until details of the facilitator were known. At first, FICSA gave ICSC the benefit of the doubt by allowing the Commission both time and opportunity to designate a facilitator. Regrettably, however, in the letter dated 2 July 1997 on the specific arrangements for the meeting scheduled five days later, the question of the availability and identity of the facilitator was once again left open. Given these constraints, the Executive Committee of FICSA was only able to react to the invitation at an extraordinary meeting on 6 July. It sent its response in written form on 7 July, the day the meeting was scheduled to start. That same day shortly before the start of the meeting itself, the President and the General Secretary of FICSA went to the meeting room and were as disappointed as the members designated by CCAQ to learn that the Commission had failed to identify a facilitator who would have lent the all-essential cohesion and impartiality to the working group.

In summary, not only had ICSC failed to provide a facilitator, but it had also not informed the participants at any stage of its failure, a lacuna that fundamentally changed the nature of the working group as agreed upon. As the provision of a facilitator was a paramount prerequisite for the Federation's participation, FICSA cannot help but believe that the late and inadequate announcement on the part of ICSC showed a lack of respect for a partner of equal standing who had been invited to participate in the deliberations.

CCAQ also remarked on the poor preparation of the working group. At its summer session in New York, CCAQ concluded that "ICSC should be invited to convene the Working Group at a later date and that in the period before then, all efforts be made to ensure, as foreseen in the terms of reference, that a facilitator be nominated with the approval of all parties concerned to assist in the process". All the above reasons were cited in a letter from the President of FICSA to the Vice-Chairman of the Commission dated 7 July. That letter had been merely annexed to the ICSC report. In so doing, not only has the Federation's reasoned decision been relegated to the back seat, but the

shortcomings of the Commission in this important issue have not been brought to the direct attention of the General Assembly.

Indeed, by way of contrast, what has been reported to the General Assembly is rather cynical. The authors of the report have chosen to speak solely of the efforts and expenses that could have been spared, had the staff federations submitted their requests for a postponement of the meeting "well in advance". This claim flies in the face of reason as FICSA was quite unable to request "well in advance" postponement of a meeting of which it had only received notification at a very late juncture. Under these circumstances, the report on "progress" on the consultative process is partial, biased and misleading.

FICSA is even more disappointed as the manner in which the Commission has chosen to proceed merely confirms what FICSA has repeatedly claimed in the past. Behaviour of this kind and the failure to make appropriate provisions is the root cause of the Federation's withdrawal. Once again the Commission has failed:

(a) To accommodate the Federation's needs, in this instance by not providing essential information in a timely and adequate manner;

(b) To reflect the Federation's arguments in a satisfactory manner;

(c) To provide essential technical services specified in the terms of reference of the Working Group.

All this hardly contributes to an improvement of the consultative process that the staff representatives have sought and - despite everything - still continue to seek.

In order to set the record straight, FICSA will circulate the present letter to the members of the Fifth Committee for their information.

Assuring the Fifth Committee of the Federation's unwavering commitment to the principles and objectives of the United Nations,

(Signed) Alvaro da Silva DURAO
for Walter P. Scherzer
President
Federation of International Civil
Servants' Associations

APPENDIX II

Security of locally recruited staff

1. In his report entitled "Renewing the United Nations: a programme for reform" (A/51/950), the Secretary-General of the United Nations emphasizes the need and proposes measures for delegating more authority and responsibility to managers in the field at various levels. The report, however, sins by omission on the issue of the security of working staff; it proposes no measure on that subject.

2. Delegating more authority and responsibility to the field is undoubtedly of crucial importance to the United Nations organizations being able to address effectively the challenges faced by the international community. Along with the delegation of authority and responsibility, the United Nations should, however, adopt measures to ensure the security of the staff responsible for implementing its activities in the field. This includes entrusting the designated official with the decision to relocate or evacuate the staff to areas outside the country in which the duty station is located.

3. Security of United Nations staff working in the field has been a burning issue for the past few years. This is attributable to the increasing number of conflicts, civil wars and other forms of unrest that expose staff to very serious risks.

4. The provisions aimed at protecting staff in the field are contained in the Field Security Handbook; however, not all staff enjoy the same degree of protection, the Handbook makes a very clear distinction between internationally recruited staff and locally recruited staff. In fact, the Handbook dedicates only one and a half pages (paras. 68-73) out of a total of 77 pages to the question of assisting locally recruited staff members.

5. Paragraph 73 of the Field Security Handbook stipulates:

> "All provisions within this Handbook which relate to relocation/evacuation from the host country for security reasons apply only in the most exceptional cases to locally recruited staff members. The provisions for relocation/evacuation outside the country in which the duty station is located and relevant compensation for relocation/evacuation may be applied to locally recruited staff members in only the most exceptional cases in which their security is endangered, or their property is lost or damaged as a direct consequence of their employment by United Nations organizations. A decision in this regard can only be made by the Secretary-General, as recommended by the United Nations Security Coordinator, based on a recommendation by the designated official."

6. This provision implies that on an exceptional basis locally recruited staff can be relocated/evacuated outside the country during phases 3, 4 and 5 only if they are in danger by virtue of their employment with United Nations organizations! However, the relocation/evacuation of the internationally recruited staff and their dependants from phase 3 onward is not linked to this

condition, but exclusively to the security situation in the duty station deteriorating to such a degree that their lives are in danger.

7. This pre-condition for the relocation/evacuation of locally recruited staff poses some problems. Indeed, how will one determine that the lives of locally recruited staff are in danger as a direct consequence of their employment with United Nations organizations (and who shall make that determination)? In Bukavu, in October, for example, the security of locally recruited staff members of the Office of the United Nations High Commissioner for Refugees (UNHCR) was clearly endangered by virtue of their employment with the United Nations. They were regularly accused by the local population, civil authorities and police of being, "traitors who sold out the country". They were also physically threatened and beaten, while their property was looted. Despite the United Nations officials in charge of security in Bukavu being aware of this situation, the locally recruited staff were not relocated or evacuated. By way of contrast, internationally recruited staff were rapidly evacuated and locally recruited staff were literally abandoned to their fate.

8. In most duty stations in the field (particularly in Africa), the fact that a person is employed by a United Nations organization constitutes a risk per se. In fact, given their professional and financial situation, local staff are potential targets and are more often than not victims of threats, burglaries and thefts. During a major crisis, local staff are often among the first to be attacked, because the local population (including attackers and looters) consider them privileged people with valuable belongings. Moreover, in certain situations, locally recruited staff are denounced, unjustly accused or killed by people who want to take their jobs or they are hounded for ethnic or tribal reasons (e.g., Rwanda and former Zaire).

9. This situation has never been taken fully into consideration by the United Nations system, even though in areas at risk, the lives and property of the locally recruited staff, nationals of the host country, are constantly under threat in view of the fact that they are employees of the United Nations system. This situation is made worse by the fact that, when they are victims of looting and all their property is lost (a frequent occurrence), they are not entitled to any compensation.

10. In general, the security plan contains very few measures covering the security of locally recruited staff who are not informed of the provisions of the plan. Invariably during major crises, it is every man for himself. Once the internationally recruited staff and the locally recruited staff who are non-nationals of the host country have departed, there is no one left to attend to the needs of the locally recruited staff who are nationals of the host country. This situation can have tragic consequences. In Rwanda during the genocide in 1994, several locally recruited staff members and their family members were killed. Others (about 30) were arrested and still languish in prison.

11. It is clear that this discrimination by the United Nations system in the context of staff security (often on the pretext that it has significant financial implications) raises serious human and moral concerns. In maintaining this practice, the United Nations systematically violates article 7 of the

Universal Declaration of Human Rights, which stipulates: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against discrimination in violation of this Declaration and against any incitement to such discrimination".

12. It is imperative that the United Nations no longer creates the impression of an organization that applies double standards to the security of its staff and of a body more concerned about protecting the lives of only one category of its staff.

13. A first step has already been taken in the right direction. Locally recruited staff who are not nationals of the host country enjoy the same security measures as internationally recruited staff (such as the issuance of laissez-passer, relocation, evacuation of the staff members and their dependants and compensation for loss of property). It remains only for the United Nations to extend these measures to locally recruited staff who are nationals of the host country by updating the Field Security Handbook and making available adequate financial resources.

14. In the light of the above, FICSA would like to make the following proposals:

FICSA proposals to improve the security of locally recruited staff

1. Involve effectively locally recruited staff members (whether nationals or non-nationals of the host country) in the design and preparation of security plans. Keep all staff members informed about the measures to be taken in the event of a crisis.

2. Establish United Nations identification documents (laissez-passer and similar document) for all locally recruited staff members (whether nationals or non-nationals of the host country).

3. Apply the security measures contained in the Field Security Handbook (including those concerning relocation and evacuation) consistently to all staff members, it being understood that the first option for relocation would be location within the host country, whenever possible.

4. Be firm vis-à-vis the national authorities concerning the application of the Convention on the Privileges and Immunities of the United Nations to all United Nations system staff, including locally recruited staff who are nationals of the host country.

5. Decentralize the decision-making power concerning the relocation/evacuation of United Nations system staff, including locally recruited staff. This decision should be taken by the designated official, in consultation with the other United Nations agency heads in the host country.

6. Strengthen the human and financial resources of the office of the United Nations Security Coordinator, in order to enable it to face effectively the growing number of security problems in the field.

15. In this regard, FICSA recognizes the very difficult conditions under which the office of the United Nations Security Coordinator works and would like to pay special tribute to its rapid and effective action which, on many difficult occasions, has saved the lives of many of our colleagues.

16. Finally, FICSA declares its willingness to participate in and contribute to an in-depth discussion on ways of improving the security of all United Nations system staff.